

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

GRACE ALBANESE,
Plaintiff,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Defendant.

Case No. 2:17-cv-01780-JCM-VCF

REPORT AND RECOMMENDATION

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendant.

On June 29, 2017, the Court issued a Report and Recommendation recommending that Plaintiff Grace Albanese be deemed a vexatious litigant and be prohibited from filing any document without first obtaining leave from the Chief Judge in accordance with procedures outlined in the Report and Recommendation. (2:17-cv-01599-JAD-VCF, ECF No. 5). On July 7, 2017, the Court denied Plaintiff's application to proceed *in forma pauperis* in this case without prejudice, pending the outcome of the Report and Recommendation. (2:17-cv-01870, ECF No. 3). On July 27, 2017, the Court accepted the Report and Recommendation and deemed Plaintiff to be a vexatious litigant. (2:17-cv-01599, ECF No. 7).

On February 13, 2019, the Court issued an Order stating that Plaintiff had until March 15, 2019 to seek leave of the Chief Judge of this Court to file these cases as outlined in the Report and Recommendation, and should no application for leave be filed, the Court would recommend that these cases be dismissed with prejudice. (2:17-cv-01780-JCM-VCF, ECF No. 26). Plaintiff has not filed a proper application in this case, or in any case¹ now pending before the Court.

¹ Requests for leave of vexatious orders were filed in two cases (2:17-cv-01782-JCM-VCF, ECF No. 4; 2:17-cv-01872-RFB-VCF, ECF No. 4), but were denied for their deficiencies (2:17-cv-01782, ECF No. 5; 2:17-cv-01872, ECF No. 5).

1 ACCORDINGLY, and for good cause shown,

2 IT IS RECOMMENDED that this case be DISMISSED WITH PREJUDICE.

3

4 **NOTICE**

5 Under Local Rule IB 3-1, any objection to this Report and Recommendation must be in writing
6 and filed with the Clerk of the Court within 14 days. The Supreme Court has held that the courts of appeal
7 may determine that an appeal has been waived due to the failure to file objections within the specified
8 time. *See Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
9 objections within the specified time and (2) failure to properly address and brief the objectionable issues
10 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
11 District Court. *See Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
12 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

13

14 IT IS SO ORDERED.

15 DATED this 19th day of March, 2019.

16

17

18 

19 CAM FERENBACH
20 UNITED STATES MAGISTRATE JUDGE
21
22
23
24
25